

## STATEMENT OF PURPOSE

### RS20907

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. The Idaho Code contains several references to probate judges and justices of the peace, even though these positions were abolished when the magistrate division of the district court came into existence in 1971. For the most part this does not create a problem, since I.C. § 1-103 provides that “[w]herever the words judge, probate judge, justice of the peace or police judge appear in the Idaho Code they shall mean the district judge or the magistrate of the district court, as the case may be . . .” In some cases, however, these obsolete references may cause confusion or uncertainty. This bill removes the references to these abolished positions and substitutes references to the magistrate division or to district court. It also repeals two obsolete statutes: I.C. § 19-3009, a provision that limited the ability of courts to subpoena witnesses from outside the county; and I.C. § 55-717, which pertains only to acknowledgment of an instrument before a justice of the peace.

### FISCAL NOTE

This bill would have no impact on the general fund.

#### Contact:

**Name:** Patricia Tobias

**Office:** Administrative Director of the Courts

**Phone:** (208) 334-2246